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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,586	06/08/2000	William W. Holmes IV	U6220/53569/NWJ-gasket	1012

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EXAMINER

BURCH, MELODY M

ART UNIT PAPER NUMBER

3683

DATE MAILED: 04/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/590,586

Applicant(s)

HOLMES ET AL.

Examiner

Melody M. Burch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 20 February 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 14 is objected to because of the following informalities: the phrase "gland-meeting area" in lines 1-2 should be changed to --gland-facing surface--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claims 13 and 15. Claims 13 and 15 recite the limitation "said recess-seat meeting area" in line 2 from the bottom of claim 13 and in line 1 of claim 15. There is insufficient antecedent basis for this limitation in the claims.

Re: claim 13. Claim 13 recites the limitation "said gasket" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 2-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Percebois et al.

Re: claims 2, 3, and 14. Percebois et al. show in figure 1 a restraining gasket capable of being used in a stuffing box assembly when connecting a first pipe portion 1 to a second pipe portion 11 the restraining gasket comprising: a compressible body 16 having a spigot-facing surface shown in the area of element 17, a recess seat-facing surface shown to the right of element number 15, and a gland-facing surface shown between element numbers 18 and 19 and a locking member 15,18 the member having an exposable tooth portion 18 and an embedded body portion wherein at least a portion of the exposable tooth portion is positioned to engage the first pipe 1 as shown in figure 1.

Percebois et al. show in figure 1 a restraining gasket wherein the locking member 15,18 is adapted to pivot (via the contour of element number 11 combined with the angled edge of the rightmost tooth 18 and the elasticity of element 20) in response to a force tending to separate the first pipe portion from the second pipe portion, and wherein the locking member is adapted to resist movement between the first pipe portion and a compression gland 2 in the event of such pressures via the engaging exposable tooth portion 18. The locking member is urged into a secured relationship with the first pipe portion 1 upon compression of the gland 2 against the gland-facing surface shown between element numbers 18 and 19 via elements 8 and 9.

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Re: claim 4. Percebois et al. show in figure 1 the locking member 15,18 having a back portion shown in the area of 17 disposed in proximity to the gland-facing surface and to the second pipe portion 11.

Re: claim 5. Percebois et al. show in figure 1 the back portion being adapted to interpose between (in the radial direction) an unnumbered lip shown in the area of element number 7 of the gland 2 and the second pipe portion 11.

Re: claims 6-12. Percebois et al. show in figure 1 the locking member 15,18 having a facing elbow shown between element numbers 10 and 21A disposed in proximity to the gland-facing surface and an upper protrusion or corner region of the locking member shown in the area between lines associated with element numbers 16 and 25 the upper protrusion being disposed in proximity to the recess seat-facing surface as shown in figure 1. The facing elbow is adapted to resistively contact the compression gland via elements 8 and 9. The upper protrusion is adapted to resistively contact the second pipe portion via element 16.

Re: claims 13, 15, and 16. Percebois et al. show in figure 1 a restraining gasket capable of securing the ends of intersected assembled pipe portions, the gasket 8,9,16 comprising a compressible body 8,16 adapted to encircle a spigot end of a first pipe length 1 and adapted to fit within a bell end of a second pipe length 2 (particularly sections 8 and 9 of the gasket), the gasket having a spigot-facing surface shown in the area of element number 17, a gland-facing surface (facing gland 8) shown between element numbers 18 and 19, and a recess seat surface shown between element numbers 15 and 25, the compressible body having embedded therein a locking member

15,18 having a toothed edge 18, a gland meeting area shown in the area between element numbers 18 and 19, and a seat-meeting area shown in the area between element numbers 15 and 25, the toothed edge 18 being disposed in proximity to the spigot facing surface, the gland meeting area disposed in proximity to the gland-facing surface, and the recess-meeting area disposed in proximity to the recess seat surface as shown in figure 1.

Response to Arguments

6. Applicant's arguments filed 2/20/02 have been fully considered but they are not persuasive.

Re: claim 2. Applicant argues that the locking member of Percebois is not *adapted to pivot* in response to force tending to separate the first and second pipe portions pointing out the complimentary surfaces between elements 11 and 16 and drawing a diagram in the section of the Remarks under the response to the 102 rejection of claim 2 illustrating a sliding wedge configuration. Examiner reiterates that Percebois shows in figure 1 a locking member adapted to or capable of pivoting due to the combination of the complimentary surfaces between elements 11 and 16, the angled surface of the rightmost tooth of element 15, and the elasticity of element 20. Although Applicant properly illustrates a sliding wedge configuration in the remarks section, it is not a sliding wedge configuration similar to that of Percebois. Particularly, Applicant's illustration shows the locking member in the form of a triangle having a surface that is flat with respect to the surface on which it slides and does not show a portion of the right side of the locking member being surrounded by a rear sleeve of an

elastic lip. On the other hand, Percebois shows in figure 1 a locking member having a rightmost bottom portion that is angled with respect to the surface on which it slides and shows a sufficiently pliable elastic member 20 located between the right side of the locking member 15,18 and the mating surface of element 11. It is evident that the device of Percebois is capable of pivoting due to the angled surface of the rightmost tooth and the elasticity of the rear portion of the lip when element 16 is moved slightly to the right due to the further screwing action of element 29 after the mating surfaces of elements 11 and 16 contact. Releasing the pipe portions would clearly result in pivoting in the opposite or release direction. Applicant further notes that the type of sliding wedge movement shown in Percebois is commonly known in the pipes and appurtenances industry and that persons reasonably skilled in the art would interpret Percebois' figure 1 as involving just such a mechanism. Examiner notes that US Patent 2201372 to Miller also shows a pipe connection incorporating the sliding wedge movement taught by Percebois and further teaches that it is old and well-known in the art that this sliding mechanism encompasses an adaptability to pivoting as shown in figure 13 and disclosed in pg. 2 col. 2 lines 68-74 in which tooth 25a slides and also pivots slightly as evident by the difference in height of tooth 25a as it travels from the position shown in the perforated line to that in the solid line.

Re: claim 3. Applicant argues that extractive forces do not and cannot distribute as claimed in the instant invention since the locking segment 15 is immediately between elements 1 and 11 of Percebois. However, Examiner maintains that the locking member 15 is adapted to adopt a secured relationship with the first pipe portion 1 upon

compression of a gland 2 against the gland-facing surface shown between element numbers 18 and 19 and wherein further the locking member is adapted to non-compressibly resist movement of the first pipe portion relative to the gland via elements 18, 19, 12, and 29 by transferring a portion of an extractive force to the gland 2 and a second portion of such force to the second pipe portion 11 noting that the locking member is not only positioned between elements 1 and 11 but also located indirectly between elements 2 and 11. Portions of the extractive forces are inherently distributed by way of intervening elements. Examiner notes that the elements of Percebois have not been misread and are acceptable interpretations as they serve the functions as set forth in the claim recitations.

Re: claims 13 and 16. Examiner reiterates that the elements of Percebois have not been misread and are acceptable interpretations as they serve the same functions as the elements set forth in the claim recitations. Accordingly, Examiner also maintains that particularly sections 8 and 9 of the gasket 8,9,16 comprising compressible body 8,16 are adapted to fit within the bell end of a second pipe length 2.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mmb 4/22/02
mmb
April 22, 2002


JACK LAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
4/24/02